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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,512	07/16/2003	Raymond W. Blasingame	H0004037 (1139.1128101)	8497
22913	7590	12/20/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			ULLAH, AKM E	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. ^{UK}

10/620,512

Applicant(s)

BLASINGAME ET AL.

Examiner

Akm Enayet Ullah

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Status of the Application

2. Claims 1- 34 are pending in this application.
- 3.

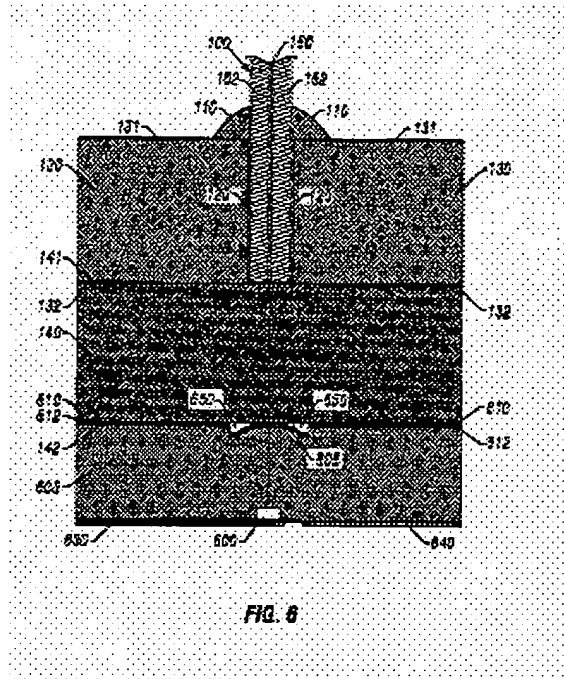
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 – 34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gilliland et al (USP NO. 6,283,644).



Reproduced From USP NO. 6,328,482

4.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1- 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrian Jansen (GB 2 241 349 A) OR Tatum et al (USPNO. 6,674,941) in view of Jian (USPNO. 6,328,482).

Jansen (GB 2 241 349 A) disclose an optical fiber coupler comprising:

An optoelectronic element coupled to the optical package for transmitting an optical signal and a fiber stop, which is made of plastic, & glass and the fiber stop is a spherical, ball, aspherical lens.

7.

8. Tatum et al. (USPNO. 6,674,941) discloses an optical assembly for transferring light between an optoelectronic device and an optical fiber comprising:

9. a housing of plastic material adapted to position the face of optical fiber, a lens and the optoelectronic converter (i.e., laser),

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10. a lens of plastic material positioned in housing between the face of the optical fiber and the optoelectronic converter,

11. the lens having a first surface adapted to focus light on the optoelectronic converter and to substantially collimate light through lens,

12. the lens having a second surface adapted to focus light in a range of distance along the common axis which is adjacent to the face of the optical fiber,

13. Jansen and Tatum et al differs from the claimed invention because he does not explicitly disclose fiber stop (i.e., lens) has an index of refraction approximately the same as the index of refraction of a core of the optical fiber as claimed. Since the light is transmitted from the fiber through the lens, the refractive index of the lens must be close to the refractive index of the fiber for optimum coupling efficiency.

14. Jian is the evidence where it mentioned that the index of refraction would be similar. For details see columns 2-4 under Summary of the Invention.

15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical assembly of Jansen or Tatum et al in view of Jian since lens and the optical fiber can be made of plastic material and index of refraction can be similar in Jansen or Tatum et al.

16.

17. Furthermore, it would have obvious under 013 to use the similar index of refraction as taught by of Jansen or Tatum et al with the Jian since, with both device being directed to a common use in the same environment, there is an implied

suggestion for applying the teachings of one to the other. That is skilled worker who is pressured to have knowledge of the prior art, with these references before him, would immediately recognize the desirability of using such teachings taught by Jansen or Tatum et al to the device of Jian, as claimed.

18. It is also noted that applicant has not described this limitation (similar index of refraction of lens and optical fiber) as being critical or as yielding unexpected benefits. Certainly a person of ordinary skill in the art would find it beneficial to minimize back reflections.

Cited Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen et al (2005/0013539), Blasinggame et al. (2004/0247242), Blasinggame et al. (2005/0013553), and Lee (2004/0247250) are also cited to show to applicant's disclosure.

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 571-272-2361. The examiner can normally be reached on Monday through Wednesday 5:30 a.m. – 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2334. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Akm Enayet Ullah
Primary Examiner
Art Unit 2874

AUllah
December 13, 2005